



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,464	11/08/2001	Goran Karlsson	2081.0020001/EEF	5096

26111 7590 07/15/2003

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

MELLER, MICHAEL V

ART UNIT	PAPER NUMBER
----------	--------------

1654

DATE MAILED: 07/15/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,464

Applicant(s)

KARLSSON, GORAN

Examiner

Michael V. Meller

Art Unit

1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller-Anderson et al taken with Cahalan et al. '172, Cahalan et al. '108, or JP 11209399, Good et al. and Schwinn et al '344.

Applicant argues that Miller does not teach a buffer other than TRIS but it would have been obvious to do so in light of the fact that the secondary references clearly teach using HEPES and MES to buffer antithrombin III.

Further applicant argues that latent antithrombin II is not being produced but the fact of the matter is that the same materials are being used to prepare the antithrombin III. It is inherent that the same antithrombin III as claimed will be prepared.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eibl et al. '232 taken with Cahalan et al. '172, Cahalan et al. '108, or JP 11209399, Miller-Anderson et al, Good et al. and Schwinn et al '344.

Applicant argues that Eibl does not teach a buffer other than TRIS but it would have been obvious to do so in light of the fact that the secondary references clearly teach using HEPES and MES to buffer antithrombin III.

Further applicant argues that latent antithrombin II is not being produced but the fact of the matter is that the same materials are being used to prepare the antithrombin III. It is inherent that the same antithrombin III as claimed will be prepared.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwinn et al. '603, Schwinn et al. '794 or Schwinn et al. '187 taken with Eibl et al. '084 or Schwinn '344, Cahalan et al. '172, Cahalan et al. '108, or JP 11209399, Miller-Anderson et al. and Good et al.

Applicant argues that the Schwinn references ('603, '794, and '187) do not teach a buffer other than TRIS but it would have been obvious to do so in light of the fact that the secondary references clearly teach using HEPES and MES to buffer antithrombin III.

Further applicant argues that latent antithrombin II is not being produced but the fact of the matter is that the same materials are being used to prepare the antithrombin III. It is inherent that the same antithrombin III as claimed will be prepared.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eibl et al. '084 taken with Cahalan et al. '172, Cahalan et al. '108, or JP 11209399, Miller – Anderson and Good et al.

Applicant argues that Eibl does not teach a buffer other than TRIS but it would have been obvious to do so in light of the fact that the secondary references clearly teach using HEPES and MES to buffer antithrombin III.

Further applicant argues that latent antithrombin II is not being produced but the fact of the matter is that the same materials are being used to prepare the antithrombin III. It is inherent that the same antithrombin III as claimed will be prepared.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwinn et al. '344 taken with Cahalan et al. '172, Cahalan et al. '108, or JP 11209399, Miller-Anderson et al and Good et al.

Applicant argues that Schwinn does not teach a buffer other than TRIS but it would have been obvious to do so in light of the fact that the secondary references clearly teach using HEPES and MES to buffer antithrombin III.

Further applicant argues that latent antithrombin II is not being produced but the fact of the matter is that the same materials are being used to prepare the antithrombin III. It is inherent that the same antithrombin III as claimed will be prepared.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

Art Unit: 1654

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V. Meller whose telephone number is 703-308-4230. The examiner can normally be reached on Monday thru Friday: 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback can be reached on 703-306-3220. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-0294 for regular communications and 703-308-0294 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.



Michael V. Meller
Primary Examiner
Art Unit 1654

MVM
July 10, 2003